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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/607,029	06/27/2003	Chang Wook Han	065543-5013	5609
9629 7590 01/22/2009 MORGAN LEWIS & BOCKIUS LLP 1111 PENNSYLVANIA AVENUE NW WASHINGTON, DC 20004				
EXAMINER				
QUINTO, KEVIN V				
ART UNIT		PAPER NUMBER		
2826				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/607,029

Applicant(s)

HAN, CHANG WOOK

Examiner

Kevin Quinto

Art Unit

2826

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4 and 7-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4 and 7-9 is/are allowed.
- 6) ☒ Claim(s) 14 is/are rejected.
- 7) ☒ Claim(s) 10-13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-85/86)
- Paper No(s)/Mail Date 8 September 2008
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Allowable Subject Matter

1. The indicated allowability of claims 10-14 is withdrawn in view of the newly discovered reference(s) to Hirakata et al. (USPN 6,839,108 B1) and Sundahl (United States Patent Application Publication No. US 2003/0001488 A1). Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hirakata et al. (USPN 6,839,108 B1) in view of Sundahl (United States Patent Application Publication No. US 2003/0001488 A1).

4. In reference to claim 14, Hirakata et al. (USPN 6,839,108 B1) discloses a similar device. Figure 14 of Hirakata illustrates an active matrix electro luminescence display panel device with a low refractive film thin film (1705) on the substrate. The examiner would like to note that the use of the word "on" by itself does not necessarily mean direct contact between two objects or layers in the semiconductor art. The word "on" by itself could mean that there may possibly be one or several layers between the two

objects or layers to which the word "on" is referring. The applicant appears to interpret the word "on" in the same manner. Although not shown an electro luminescence element (column 27, lines 44-53) is formed on the low refractive thin film (1705) to selectively emit light. A switching device (1701) is formed between the low refractive film (1705) and the substrate in order to selectively drive the electro luminescence diode. There is a first insulating layer (1703 or the unlabeled dielectric film directly on the switching device (1701) or the unlabeled dielectric film which is in contact and under the capacitance electrode (1702) which is formed between the substrate and the low refractive film (1705) to cover the switching device (1701). Hirakata does not disclose that the electro luminescence element is an organic electroluminescent diode. However the use of such a diode is well known in the art. Sundahl (United States Patent Application Publication No. US 2003/0001488 A1) discloses that organic electroluminescent diodes have a low operational voltage, relatively high brightness and the ability to emit different colors of light which are desirable in the art (p. 1, paragraph 2). In view of Sundahl, it would therefore be obvious to use an organic electro luminescence diode in the device of Hirakata. Hirakata makes it clear that low refractive film can be a film with a refractive rate of 1.43, which is less than 1.5 (column 6, lines 36-59). In addition, Hirakata makes it clear that the low refractive film can have a refractive rate from 1.5 to 1.6 (column 6, lines 36-45). The examiner would like to note:

In the case where the claimed ranges "overlap or lie inside ranges disclosed by the prior art" a prima facie case of obviousness exists. In re Wertheim, 541 F.2d 257, 191 USPQ 90 (CCPA 1976); In re Woodruff, 919 F.2d 1575, 16 USPQ2d 1934 (Fed. Cir. 1990). See MPEP 2144.05.

Thus this limitation is not patentable over Hirakata and Sundahl.

Allowable Subject Matter

5. Claims 4 and 7-9 are allowed.
6. Claims 10-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
7. The following is a statement of reasons for the indication of allowable subject matter: the reasons for the allowance of claims 4 and 7-9 were cited in a previous Office action. The examiner is unaware of any prior art which suggests or renders obvious an active matrix organic electro luminescence display panel device with an organic electro luminescence diode being formed on a low refractive thin film (the refractive rate being less than or equal to 1.5) which is formed on a substrate while a switching device that drives the diode is formed between the substrate and the low refractive film while an additional insulating layer covers it with the suggested capacitor structure as suggested in claim 10.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Quinto whose telephone number is (571) 272-1920. The examiner can normally be reached on M-F 8AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sue Purvis can be reached on (571) 272-1236. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kevin Quinto/
Examiner, Art Unit 2826

/Evan Pert/
Primary Examiner, Art Unit 2826